

DIPHTHERIA IS WELL IN HAND

Prompt Measures Relieve Anxiety of Threatened Epidemic.

SCHOOL AUTHORITIES AID

Health Board Thanks Times-Dispatch for Co-operation in Educating Public.

According to the October Bulletin of the Richmond Health Department, issued yesterday, there were forty-four more births than deaths among the whites, and twenty-six more deaths than births among the negroes. There were 204 deaths in Richmond during the month—ninety-seven whites and 107 colored. Excluding non-residents, the death rate for whites was 18.67; colored, non-residents excluded, 23.44. There were 232 births—141 white and eighty-one colored.

The number of deaths during October was forty-nine more than in September of this year, and thirty-four more than for the corresponding month of last year. The total number of deaths for the first ten months of the current year is 127 less than last year.

Diphtheria Situation. Concerning the recent diphtheria situation, which threatened at one time to become an epidemic, the Bulletin says: "In the last issue of the Bulletin attention was directed very forcibly to the diphtheria situation, the subject being of such importance that considerable notice was given to matters as they stood on the day before going to press—October 10. Attention was drawn to the fact that three deaths had occurred from diphtheria in four days, and the public was warned to regard any sore throat in a child as suspicious and to seek medical aid at once. At the same time the physicians were advised to regard every case that was even mildly suspicious as entitled to the doubt, and to treat all such cases as diphtheria until the report of the City Bacteriologist was received. They were further advised not to give less than 5,000 units of antitoxin to any case, no matter how mild, while present conditions prevailed."

"So important did this seem that our morning paper was requested to publish in full what had been written for the Bulletin, and this was done the following morning, October 11. The lines were also tightened all along in matters of isolation and quarantine. In one instance where a case of diphtheria was reported in a child who had been several hours in one of the public schools before the disease was recog-



Special Beaver Hats for Boys and Girls,

\$4.00 Quality,

\$2.98

Only six dozen to be sold. Just the thing you're looking for. Red, black, brown and gray Beaver for boys and girls, \$2.98.

SALOON IN ATLANTA IN PROHIBITION STATE?

Fatal Fight Over Price of Two Beers Said to Have Been Fought in Such a Place.

ATLANTA, GA., November 23.—A dispute over the price of two beers resulted in the probably fatal shooting of Pools Duncan, aged twenty-two, by W. A. Cox, an ex-politician, here today. Duncan, with his brother, Seth, entered the saloon, where Cox was employed, and followed by Cox, accused Seth Duncan of cheating him out of the price of the beers. In the melee Cox pulled a derringer and fired at close range, the bullet entering Duncan's chest.

nized, the room in which this case had been was thoroughly gone over and cultures were taken from the teacher and from every child in the room. As a result of this, two children, one of whom had been slightly ill, and the other of whom was apparently in perfect health, were found to be "carriers"—that is, to have the germs of diphtheria in their throats, although they themselves showed no symptoms of the disease.

School Room Closed. The school room was kept closed for four days (Saturday and Sunday) fortunately intervening, and the two children above referred to were kept away from school and isolated in their homes. The school room was, of course, fumigated, more, however, as a matter of form and to satisfy the school authorities and the families than because of any real importance.

"At another school from which a case of diphtheria was reported the child had not been in position to cause as much trouble. In this case cultures were taken from the children occupying desks in the immediate neighborhood of the ill child, but all of these cultures proved negative."

"In both these cases the prompt and thorough way in which the matter was handled resulted in completely checking the trouble. No other case developed in either instance. Some difficulty was experienced in connection with one of the carrier cases, which was kept away from school until two successive negative cultures had been obtained. The father of this child found it difficult, in spite of the most thorough personal explanations, to appreciate the fact that his child, though not itself ill, could give diphtheria to others, and, arming himself with a written statement from the family doctor to the effect that his child did not have diphtheria (which he had never disputed), he addressed written appeals to the Mayor and the Judge of the Hustings Court, asking that the Board of Health be forced to allow his child to return to school. Of course, each of these appeals was at once referred to the health officer, and the quarantine was maintained."

Kept Well in Hand. As a result of the above the diphtheria situation has been kept well in hand. There was no other death from the disease during October, and only thirty-nine cases reported during the month, which, though more than were reported in the same month of 1908, was decidedly gratifying in view of the situation which confronted us early in the month. We feel confident that, under less rigid methods, and with the public and the medical profession kept in ignorance of the real state of affairs, there would certainly have been quite a spread of the trouble, if not an actual epidemic.

"The work of the medical inspector and the City Bacteriologist deserves special commendation for the part they played in contributing to the results which have been obtained. Both of these officers worked intelligently and faithfully, handling a large number of cultures in a most satisfactory manner. Thanks are also due The Times-Dispatch, our morning paper, for its co-operation in giving a full column of the first page to advance copy furnished from the Monthly Bulletin."

ELECTED PRESIDENT

Spencer L. Carter Promoted to Head of Resin Monumental Company. Spencer L. Carter, formerly of King William county, and once of Richmond, where he is very well-known, was yesterday elected president of the Resin Monumental Company, a branch of the Virginia-Carolina Chemical Company, with offices in Baltimore, and plant below that city. Mr. Carter was secured his position vice-president of the company, a position which he held for many years. He now takes the place of W. A. Urquhart.

NEW CHARTER ISSUED

The following charter was granted yesterday by the State Corporation Commission: Amelia Drug Company (the Amelia Courthouse, Va. Incorporated); R. G. Southall, president; H. F. Green, vice president; H. F. Southall, secretary and treasurer—all of Amelia Courthouse, Va. Capital stock, \$10,000; minimum, \$1,000. Objects and purposes: Retail drug business.

Held on Felony Charge.

John Gilliam (colored) was arrested in the First Police District last night for feloniously cutting William Robertson. The alleged crime was committed several days in court today, and Gilliam will be held in jail until Robertson recovers.

Building Permits.

Building and repair permits were issued yesterday as follows: H. C. Rieger, to erect a two-story brick dwelling, 155 Grove Avenue, to cost \$5,000. J. D. Brown, to repair a two-story frame dwelling, 15 Taylor Street, adding a two-story addition in rear, to cost \$12,000.

Extra Floral Offerings These

With a view of having an extra lot of floral offerings for Thanksgiving Day, Ratcliffe & Tanner, Florists, 25 West Broad Street, have on hand a large assortment of rare and beautiful orchids in addition to gardenias, palms, ferns and beautiful cut flowers. This firm is making a specialty of debutantes' party decorations.

While You Are Thinking About Holiday Gifts CONSIDER A

Columbia Graphophone

With a good selection of Records and a nice cabinet. Complete outfits from \$25. to \$200.



Jones Bros. & Co., Inc.,
Distributors,
1418-1420 East Main Street.

TELEGRAM

The Postal Telegraph-Cable Company (Incorporated) transmits and delivers this message subject to the terms and conditions printed on the back of this blank.

Send the following message, without repeating, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

Wire immediately if you can attend near-smoker Wednesday 8 P. M.,

November 24th. Hermitage Club-Important.

Committee



JUDGE WADDILL FILES HIS REPLY

Shows Cause Why Fergus Reid Was Not Granted an Appeal.

IN COURT OF APPEALS

Question Is Argued by Counsel on Both Sides and Submitted.

Judge Edmund Waddill, Jr., of the United States Circuit Court, by counsel yesterday replied to a writ of mandamus issued by the United States Circuit Court of Appeals, requiring him to show cause why he had refused to permit the filing of a petition by Fergus Reid, a minority bondholder, asking for an appeal from the decree of sale of the Norfolk and Southern Railway properties. Edward R. Balld, Jr., of Norfolk, and Frederick Hoff, of New York, conducted the argument for the respondent, and E. B. Tinsall, of Norfolk, and Thomas S. Fuller, of New York, represented Reid.

Judge Waddill's Answer. The case was submitted. In his reply to the Court of Appeals Judge Waddill said in part:

"The answer of the undersigned to the order entered in the above entitled cause on the 16th day of November, in the year 1909, requiring the Judges of the Circuit Court of the United States for the Eastern District of Virginia to show cause before the United States Circuit Court of Appeals, Fourth Circuit, at Richmond, Va., on or before the 23d day of November, 1909, why the writ of mandamus prayed for in the petition of Fergus Reid be not issued, shows as follows: 'I. This respondent, sitting in the said Circuit Court of the United States for the Eastern District of Virginia, reached the conclusions and made the orders complained of in said petition. The allegations in said petition contained are inaccurate and incomplete in the following respects: (a) It is not a statement of all the facts to say that counsel for the complainant and defendant made application to the court for a decree of foreclosure and sale after the petitioner asked leave to file his original petition. The circumstances in respect thereto are that after the court, upon the motion of counsel for plaintiff and defendant, had fixed October 1st as the date upon which to hear an application for the decree of foreclosure and sale, upon the request of petitioner to agree, prior thereto, to-wit, on the 28th day of September, 1909, to hear his application for leave to file his original petition. Upon the hearing on the dates aforesaid the application for leave to file said petition and for a decree of foreclosure and sale, made on the 22d of October, made an order permitting the original petition to be filed, and announced its intention of signing the decree of foreclosure. Upon the request of counsel for the petitioner it postponed granting its final conclusion and entering the order until the 9th day of October.

"Why Appeal Was Denied. This delay was not intended by the court or requested by the petitioner, so far as made known to the court, for the purpose of amending his procedure or changing his pleadings. Upon the date mentioned the supplemental petition was presented. It appearing that copies of it were handed to counsel for the complainant and defendant just prior to the commencement of the hearing. Leave to file this petition was denied, and the decree of foreclosure and sale entered, for the reasons hereafter stated and set forth in the opinion, filed as a part of the record."

"The final clause of the answer is as follows: 'An appeal was denied to the petitioner because it is clear, under the authorities, that he was not entitled to one. There was certainly no right to appeal from the order in respect to the original petition, since it allowed the petitioner substantially all that he asked for; there was none as to the order refusing leave to file the amended petition, because this was merely the exercise of a discretionary power upon the part of the court. In reaching its conclusion it followed the views announced in many cases in which similar questions were presented and decided. By its order in the premises, no right was denied the petitioner. The question relates solely to a matter of procedure, and was as to a matter purely in the discretion of the court. The appeal of right in the Federal court is a privilege.

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Apollinaris

"THE QUEEN OF TABLE WATERS"

Its pure Natural Carbonic Acid Gas

acts as a Gastric Stimulant and Tonic and promotes the Digestion and Assimilation of even the Richest Food.

GRIGGS TO SIT IN POLICE COURT

Council Designates Marshall Ward Magistrate to Hear Libel Case.

BRADLEY CASE IN HANDS OF COURT

Argument Completed in Suit Against City—Danville Case Up.

In the Supreme Court of Appeals yesterday the case of Bradley & Co. against the City of Richmond, which was begun on Monday, was fully argued by James W. Gordon for the plaintiff in error and by George Wayne Anderson and Henry R. Pollard for the defendant in error, and submitted. The next case was that of the City of Danville against Thornton. Thornton was injured while painting a pole in that city, which owns its own electric light plant. He was paid damages in the Danville Corporation Court in the sum of \$3,000. The plea of the city is that when Thornton was shocked by the current he contributed to the accident by negligence. The case was argued partly by E. Walton Brown and Eugene Withers for the plaintiff in error, and by Julian Meade for the defendant in error, and submitted to the court. The next cases to be called are: Young and others against the Camp Manufacturing Company; Wright and others against the Camp Manufacturing Company; Norfolk and Western Railway Company against Crowe's Administratrix; Norfolk and Western Railway Company against Thomas, trustee; Equitable Life Assurance Society of the United States against Mollo B. Wilson and others; Edwards against Louthan and another; Fentress against J. C. Steele & Sons; Norfolk and Western Railway Company against the Virginia Railway Company; and Myers, Receiver, against the City of Richmond, being cases Nos. 14 to 22, inclusive, on the argument docket.

GIVES COUNCILMAN BENEFIT OF DOUBT

Alleged Charge of Soliciting Bribes Dismissed by Justice.

[Special to The Times-Dispatch.] NEWPORT NEWS, Va., November 23.—Police Justice Brown today dismissed the charges of soliciting bribes against Councilman E. C. Cox, holding that the letter written by Cox to the Cleveland Trinidad Paving Company, asking for employment as representative of the company, and for \$100 expense money, was the product of "a foolish person, boasting of his own importance."

As to the evidence of E. B. Demarest, general manager of the Cleveland company, to the effect that Cox on two occasions solicited bribes from him, once for \$1,000, and again for \$1,000 to keep the boys quiet, in reference to asphalt paving in this city laid by the Cleveland company, the magistrate ruled that it was a question of veracity, and that Cox was entitled to the benefit of the doubt. As the soliciting of a bribe is a misdemeanor, the decision of the justice is final, the Commonwealth having no right of appeal.

Two charges of violation of the election laws are pending against Cox in the Corporation Court. He was a Democratic nominee for Constable, and it is alleged that he agreed to give two other candidates for the nomination to retire from the field in his favor. After the primary, and during the general election campaign, Cox's letter to the paving company was published, and the City Democratic Committee repudiated him. Then a mass meeting was held and the repudiation and selection of a new candidate, J. C. Wallace, were approved. In the election Cox persisted in making the race, and the Republican nominee, J. W. Hester, was elected.

BY HIS FINGER PRINTS

Identity of Apathetic Victim Is Determined at Washington. WASHINGTON, D. C., November 23.—An examination today of the fingerprint records of the Navy Department to determine the identity of a victim of apathy disclosed the fact, according to the police here, tonight, that the man is Harry S. Collins, an alleged deserter from the battleship Virginia, now in Hampton Roads, Va. The clearing up of the identity of the man removes a mystery which the police here have endeavored for several days to solve. Collins has been in the custody for several days of the local police, he claiming all the time to have forgotten his identity. Finally, the assistance of the fingerprint experts of the Navy Department was sought, with the result that his identity was made known to-night. The police authorities late today turned Collins over to the authorities at the Washington navy yard, where he was locked up for the night. To-morrow Collins will undergo an examination by a board of medical officers to determine his sanity.

Plans for New Church Edifice. [Special to The Times-Dispatch.] LYNCHBURG, Va., November 23.—The congregation of the Cabell Street Baptist Church has had plans drawn for a new church building to be erected at Rivermont and Bedford Avenue, about eight squares from its present location. The building will have seating capacity of 1,000, and will accommodate a congregation under the name of the Rivermont Baptist Church.

R. H. Dowdy Arrested. R. H. Dowdy was arrested yesterday afternoon for disorder on a Seven Pines street car. He was taken to the First Police Station and will answer the charge in the Police Court today.

Real Estate for Sale. Real Estate for Sale.

\$7,500 will buy a good ten-room brick house on Grace Street near Shafer Street.
\$7,500 will buy a nice Grove Ave. house, 12 rooms.
POLLARD & BAGBY.

Auction Sales, This Day. Auction Sales, This Day.

Virginia Auction Co. AUCTION SALE

By direction of N. F. Jacob & Son, Pawnbrokers, 218 North Ninth Street, we will offer at

Public Auction Unredeemed Pledges

Consisting of Diamonds, Watches, Bracelets, Neck Chains, Charms, Set Rings, Scarf Pins, Cameo Pins and other Jewelry, including a Drummer's Trunk filled with new Sample Jewelry; also Twenty-One Jewel Railroad Watches, Guns, Pistols, Musical Instruments, Leather Goods and other articles.

Sale Starts This Evening at 7:30 o'Clock

And continues daily at 10:30, 2:30 and 7:30 until all unredeemed pledges are sold.

Ladies are invited to attend each sale.

Virginia Auction Co., Auctioneers.

By The Valentine Auction Co. 618 East Broad Street.

ATTEND THE AUCTION SALE OF FINE FURNITURE OF ALL KINDS AT 10:30 O'CLOCK TO-DAY (WEDNESDAY) NOV. 24, at our auction sale-rooms, No. 618 East Broad Street. Will also sell one fine doctor's phaeton. Sale positive. THE VALENTINE AUCTION CO.

Auction Sales, Future Days. Mayo Salvage Corporation, 1402 East Main Street, Auctioneers.

BANKRUPT SALE OF FINE QUALITY CANDLES, HIGH-GRADE TOBACCOS, FINE EXTRACTS, CONFECTIONERS' SUPPLIES, ETC., AT AUCTION.

By virtue of a decree entered in the United States District Court for the Eastern District of Virginia, on the 22d day of November, in the matter of T. P. Marsala, bankrupt, we will sell for the undersigned trustee, in our warehouses, 1402 East Main Street, at 10:30 A. M.,

FRIDAY, NOVEMBER 26, 1909, a large stock of high-grade Candles and standard brands Milk Chocolates, all of the popular brands of Cigars and Cigarettes, Smoking and Chewing Tobacco; a complete line of Soda Water and Ice Cream Extracts, Chewing Gum, Fancy Baskets, Paper Bags, Candy Trays, Ice Cream Cabinets, Store Awnings, Linoleum and numerous miscellaneous articles.

TERMS: Cash. H. B. TURNER, Trustee in Bankruptcy.

Real Estate for Rent.

THE ALLEN APARTMENTS 410 Allen Avenue. We have two with seven rooms each. These are high class apartments, newly papered. Let us show them to you. J. D. CARNAL & SON, 1109 E. Main Street.

If You Are Not Settled in a nice house or apartment for the winter, why not

SEE OUR LIST Phone Madison 293. J. D. Carnal & Son, 1109 E. Main Street.

By N. W. Bowe & Son, Real Estate Auctioneers. AUCTION SALE OF 1703 Park Avenue. At request of the owner, we will sell the above property, on the premises, on WEDNESDAY, NOVEMBER 24, 1909, at 4:30 o'clock P. M. This is one of the most attractive residences in the West End, and is in a stone's throw from Lee's Monument; has eight rooms, modern conveniences and is detached, with side alley. Don't fail to attend sale. TERMS: Liberal and announced at sale. C. L. & H. L. DENOON, Real Estate Auctioneers.

By C. L. & H. L. Denoon, Real Estate Auctioneers. AUCTION SALE OF 2225 EAST MAIN STREET, BETWEEN TWENTY-SECOND AND TWENTY-THIRD STREETS. At request of owner, we will sell at public auction, on the premises, on WEDNESDAY, NOVEMBER 24, 1909, at 4:30 o'clock P. M. that brick store and dwelling on the south side of Main Street, designated as No. 2225 East Main Street. The lot has a good depth and the property will rent well and pay good interest on the investment. Attend this sale and secure a bargain, as owner is anxious to sell. TERMS: Liberal and announced at sale. C. L. & H. L. DENOON, Auctioneers.

Mayo Salvage Corporation, 1402 E. Main Street, Auctioneers. SHOWCASE, STOVES, PARLOR ORGAN, PIGEON HOLE TABLE, MERCHANTISE, FURNITURE, ETC., AT AUCTION. We sell in our warehouses, 1402 East Main Street, at 10:30 A. M., WEDNESDAY, NOVEMBER 24, 1909, Silent Salesman Case Heating Stoves, Fine Parlor Organ, Pigeon Hole Table, Cane, Dishes, Hats, Bells of Goats, Skirts, Mittens, Walnut and Oak Chamber Furniture, Library Furniture, Tobacco, Cigars and numerous miscellaneous articles. TERMS: Cash. MAYO SALVAGE CORPORATION, Auctioneers.